

DATE

Mr. Ben Westerburg  
City of West Monroe  
1510 Elizabeth Street  
West Monroe, LA 71291

**Re: Louisiana Board of Ethics Docket No. 2021-787  
Advisory Opinion**

Dear Alderman Westerburg,

The Louisiana Board of Ethics (“Board”), at its meeting on November 5, 2021, considered your request for an advisory opinion as to whether the Louisiana Code of Governmental Ethics (“Code”) would prohibit you from remaining employed as a disc jockey for KJLO’s radio morning show while you are a candidate for re-election.

**FACTS PROVIDED**

Qualifying for West Monroe Alderman will begin on January 26, 2022, and the election will be held on March 26, 2022. You stated that you rely on the income from your position with KJLO to pay your family’s bills. KJLO’s morning show consists of country music, news and entertainment. The morning show is not a political show. You stated that you will not talk about your candidacy on your KJLO morning show and would not promote yourself as a candidate during the morning show. Additionally, you provided that the City of West Monroe does not advertise or purchase any time from KJLO.

**LAW**

**La. R.S. 42:1111C(2)(d)** provides that no public servant and no legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, shall receive any thing of economic value for or in consideration of services rendered, or to be rendered, to or for any person during his public service unless such services are neither performed for nor compensated by any person referenced in R.S. 42:1115A(1).

**La. R.S. 42:1115** refers to any person, or any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person (A)(1) has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency.

**La. R.S. 18:1483(6)(b)(i)** defines “contribution” as including “in-kind contributions,” which include “the donation by any person, . . . , of the services of paid employees, the value of which services exceeds twenty-five dollars.”

## ANALYSIS

La. R.S. 42:1111C(2)(d) would prohibit you from working for a person referenced in La. R.S. 42:1115A(1) who has or is seeking to have a contractual, business, or financial relationship with the City of West Monroe. Based on the fact that there is no relationship between KJLO and the City of West Monroe, your employment with the radio station would not be prohibited while you are running for re-election.

Also, since your candidacy will not be discussed on the radio station's programs, you would not be receiving an in-kind contribution, as defined by La. R.S. 18:1483(6)(b)(i), from KJLO that would have to be reported on your campaign finance disclosure reports.

## CONCLUSION

The Board concluded, and instructed me to inform you, that you are not prohibited from continuing your employment with the radio station while you run for re-election. Also, your employment does not trigger a reporting requirement on your campaign finance disclosure reports, since your candidacy will not be discussed on the radio.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Louisiana Code of Governmental Ethics or the Campaign Finance Disclosure Act. The Board issues no opinion as to past conduct or as to laws other than the Louisiana Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

---

Suzanne Quinlan Mooney  
For the Board